

जसाधारण EXTRAORDINARY

भाग II—खण्ड 2 PART II—Section 2

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या वीं जाती है जिससे कि यह जलग संकलन के रूप में देशा था सभी !

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 4th May, 1990:—

I

BILL No. III OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1990.

(2) It shall come into force with immediate effect.

2. After article 29 of the Constitution, the following article shall be inserted, namely:—

"29A. All children shall have the right to free education until they attain the age of eighteen years.

Short title and commence-

ment.

Insertion of new article 29A.

Right to free education. Explanation.—In this Article, the expression "free education' includes supply of text books, stationery, hostel facilities wherever required, uniforms, travel facilities etc. to children free of cost.".

Omission of article 45,

3. Article 45 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

In our Constitution although the Directive Principles of State Policy provide for free and compulsory education for all children until they complete the age of fourteen years, but it has been observed that even after a lapse of four decades, free education to children throughout the country is not in sight. The parents of majority of children are not in a position to send their children to schools because of their inability to provide facilities to them. The result is that most of the children are forced to drop their studies and search for employment to supplement the meagre income of their families. Since they do not have the basic education, such children are exploited by their employers.

Ours being a Welfare State, free and compulsory education should be provided to all children. To start with, atleast upto Senior Secondary level it must be made free. It is proposed that education should be made a fundamental right so that every child in the country gets free education until he completes the age of eighteen years. The Constitution of India should accordingly be amended to give legal effect to what is contained in the Directive Principles of State Policy by making it a fundamental right.

BIJOYA CHAKRAVARTY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all children shall have the fundamental right to free education until they complete the age of eighteen years. For providing free education, more schools may have to be opened and more teachers to be appointed by the Government. Moreover, facilities like supply of text books and stationery, hostel, uniforms, travel, etc. have to be provided to the children free of cost. The Central Government shall have to meet the expenditure of Union territories and shall also have to extend financial assistance to State Governments for carrying out the provisions of this Bill. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India.

It is estimated that an annual recurring expenditure of about rupees one hundred crores is likely to be involved from the Consolidated Fund of India.

It is also likely to involve a non-recurring expenditure of about rupees fifty crores.

Π

BILL No. VII of 1990

A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Begging Act, 1990.

1) This flet may be called the resolution of Bogging 1200, 1000

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires, "begging" shall have the same meaning as assigned to it in clause (a) of sub-section (4), of section 363A of the Indian Penal Code.

3. Begging by any person in any manner is hereby abolished.

4. Whoever forces another person into begging shall be punishable with imprisonment for five years.

5. Any shop or house where beggars are found shall be taken over by the Central Government and the owner of such shop or house shall be punishable with life imprisonment. Short title and extent.

Definitions.

Abolition of begging. Punishment for forcing others into begging.

Punishment for running a shop or owning house of beggars. Establishment of rescue homes for beggars.

- 6. (1) The Central Government shall establish in each district a rescue home for beggars with facilities for their rehabilitation.
- (2) Any person found begging shall be taken into custody by the police and sent to the nearest rescue home.

Beggars
to be
provided
free
education
and
reservation in
employment.

7. The inmates of rescue homes shall be provided free education at all levels and, reservation in employment and allotment of houses.

Report to be laid in Parliament. 8. The Central Government shall lay a report in both Houses of Parliament every year on the implementation of this Act.

Power to make Rules.

- 9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.
- (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

In spite of various measures taken by the Government and the social organisations to help the downtrodden and the handicapped people, begging has not stopped in the country. The number of beggars has been increasing in big cities everyday. Sometimes, young boys and girls are forced by their own parents and sometimes poor people are forced by some other people to take to begging. Even after 42 years of Independence, the problem of begging is increasing day by day. It has, therefore, become necessary that legislation should be brought forward to prohibit begging and to provide for rehabilitation of beggars.

Hence, this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for establishment of rescue homes in each district by the Union Government or the State Government as the case may be, wherein beggars will be provided with facilities for their rehabilitation. The Central Government would have to incur expenditure from the Consolidated Fund of India for establishment of rescue homes in respect of Union territories. As far as the establishment of rescue homes in the State are concerned, the State Governments will incur expenditure from their respective Consolidated Funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees one crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill since the rules will relate to matters of details only, the delegation of legislative power is a normal character.

III

BILL NO. IX OF 1990

A Bill to provide for the curtailment of expenditure on marriages and matters connected therewith.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Curtailment of Expenditure on Marriages Act, 1990.

Short title and extent.

- (2) It extends to the whole of India.
- 2. The Marriage of all the communities shall be solemnised in a simple ceremony before the head priest, by whatever name called, of the concerned community or religion, who shall certify the marriage in the presence of relatives and friends of the bride and bridegroom.

Marriages to be solemnised before head priest.

3. There shall be no expenditure on decoration and marriage feasts in any manner whatsoever.

Prohibition of expenditure on decoration, etc.

4. Any person who contravenes the provisions of section 2 or section 3 shall be punishable with imprisonment which shall extend upto five years and with fine and if the accused is a Government servant he shall be dismissed from service forthwith.

Punishment,

STATEMENT OF OBJECTS AND REASONS

It has been found that the marriages of all the religious communities in India are celebrated with great pomp, and show. Thousands of rupees are spent on decoration and marriage feast. In addition to this, cash and valuable items are exchanged. This has created great unrest among those people who have no money to spend lavishly. Such people are forced to adopt corrupt practices somehow to get huge sums of money. Corruption in administration and in all walks of life has, therefore, increased which is harmful to the progress of the Nation. It has been observed that even the marriage performed with high cost of expenditure results in bride burning and discontentment among the couple. The people have started bidding for their sons in marriages. There is, therefore, need to have a legislation to curtail expenditure on marriages so as to save the people from adopting corrupt practices.

Hence, this Bill.

SURESH PACHOURI

IV

BILL No. X of 1990

A Bill to provide for ceiling on the wages of a family and for matters connected therewith.

Br it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Ceiling on Wages Act, 1990.

Short title and extent.

(2) It extends to the whole of India.

t, Applica_
e tion of
the Act.

2. This Act shall apply to employees of the Central Government, public sector undertakings or establishments or organisations under the control of the Central Government or Union territory administrations or private sector.

Definition,

husband, wife and minor children.

4 (1) Notwithstanding anything contained in any other law for the time being in force the minimum and maximum wages of an employee

3. In this Act, unless the context otherwise requires, "family" means

Ceiling on wages.

4 (1) Notwithstanding anything contained in any other law for the time being in force, the minimum and maximum wages of an employee or of his family shall be rupees one thousand and five hundred and rupees five thousand per month, respectively.

(2) If the wages of family of an employee exceed rupees five thousand per month, the amount in excess of rupees five thousand shall be deposited by the head of the family in a nationalised bank, which shall be refunded to him on his attaining the age of superannuation or on cessation of his employment or to his legal heirs in case of his death.

Compulsory savings from wages.

- 5. (1) It shall be the duty of every employer to deduct every month ten per cent. of wages, payable to an employee, as compulsory savings before the wages for that month are paid to him.
- (2) The amount so collected shall be deposited in a nationalised bank and shall be returned to the employee with interest accrued thereon on his attaining the age of superannuation or on cessation of his employment or to his legal heirs in case the employee dies while in service or for such other purposes as may be prescribed.

Filing of returns by employees. 6. Every employee shall file a return every year with his employer, containing particulars about the wages earned by the members of his or her family.

Punishment.

- 7. (1) If any employer contravenes the provisions of sections 4 and 5, he shall be punishable with fine which may extend to rupees ten thousand.
- (2) If any employee files a false return with his employer, he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to rupees ten thousand or with both.

Power to make rules. 8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In India there are at least 85 per cent people whose income is less than rupees one thousand and five hundred per month and rest are those whose income is unlimited, with the result that there is no economic and social equality. Some people cannot afford to meet the minimum expenses of their families and some others have a problem how to spend their money which they have far in excess of their needs. This disparity in income has created frustration among large number of people of the country. Therefore, it is necessary to have a legislation wherein minimum and maximum income of a family is fixed.

It has been proposed in this Bill, in the first instance, to provide for a ceiling on family income of employees of the Central Government, public undertakings and in the private sector. A provision is also proposed to be made for compulsory savings by such employees.

Hence this Bill.

SURESH PACHOURI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

> SUDARSHAN AGARWAL, Secretary-General.